

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Facebook, Inc.
2. Title of the proposed order:
[Proposed] Order Re: Forensic Examiner
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Case Management Conference & Discovery Conference
 - b. Date and time: May 10, 2019, 9:00 A.M.
 - c. Place: Department 23, San Mateo Superior Court
400 County Center, Redwood City, CA 94063
4. The proposed order was served on the other parties in the case.

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:
SIX4Three, LLC v. Facebook, Inc. et al.

CASE NUMBER:
CIV 533328

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action**.

a. My residence or business address is (*specify*):
217 Leidesdorff St., San Francisco, CA 94111

b. My electronic service address is (*specify*): SERVICE-SIX4THREE@durietangri.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):
See Attachment

b. To (*electronic service address of person served*): See Attachment

c. On (*date*): 5/22/2019

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 22, 2019

Catherine Y. Kim

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

SERVICE LIST ATTACHMENT

VIA U.S. MAIL & EMAIL

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8 Facsimile: 415-236-6300

9 Attorneys for Defendant
Facebook, Inc.

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN MATEO

13 SIX4THREE, LLC, a Delaware limited liability
company,

14 Plaintiff,

15 v.

16 FACEBOOK, INC., a Delaware corporation;
17 MARK ZUCKERBERG, an individual;
CHRISTOPHER COX, an individual;
18 JAVIER OLIVAN, an individual;
SAMUEL LESSIN, an individual;
19 MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
20 DOES 1-50, inclusive,

21 Defendants.

Case No. CIV 533328

**Assigned for all purposes to Hon. V. Raymond
Swope, Dept. 23**

**[PROPOSED] ORDER RE: FORENSIC
EXAMINER**

Date: May 10, 2019
Time: 9:00 a.m.
Dept: 23 (Complex Civil Litigation)
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015
TRIAL DATE: April 25, 2019

1 In Case Management Order No. 22, the Court appointed J. Christopher Racich, President of
2 Vestigant, as the neutral third party forensic examiner ("Forensic Examiner"). Case Management Order
3 No. 22 at 1 (Apr. 2, 2019). Costs for the retention and services of the Forensic Examiner were to be
4 initially borne solely by Facebook due to Six4Three's inability to pay. *Id.* The Court vacates the portion
5 of Case Management Order No. 22 stating that the "[c]osts for the retention and services of the Forensic
6 Examiner will be initially borne solely by Facebook due to Six4Three's inability to pay, without
7 prejudice to Facebook seeking reimbursement from Six4Three at a future date."

8 At the hearing on May 10, 2019, Defendant Facebook, Inc. ("Facebook") stipulated to paying the
9 Forensic Examiner's storage costs for all data and documents the Forensic Examiner has collected in this
10 action, subject to its ability to seek reimbursement for these costs in the future from Plaintiff Six4Three,
11 LLC, or other relevant individuals, including Mr. Theodore Kramer or Mr. Thomas Scaramellino.

12 Pursuant to Facebook's stipulation, and subject to that reservation of rights, Facebook shall pay
13 the Forensic Examiner's storage costs for all data and documents the Forensic Examiner has collected in
14 this action.

15 **IT IS SO ORDERED.**

16 Dated: _____

HON. V. RAYMOND SWOPE
SUPERIOR COURT JUDGE